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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,561	11/19/2003	Kazuhiro Ukida	UKID3001/EM	5056
23364	7590	05/16/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			SILBERMANN, JOANNE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/715,561	Applicant(s) UKIDA ET AL.	
	Examiner Joanne Silbermann	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Figures 4-6 in the reply filed on 24 February 2006 is acknowledged. The traversal is on the ground(s) that the claims have already been examined. This is not found persuasive because 37 CFR 1.142 states that a restriction requirement may be made at any time before final action. Applicant agrees that the species are patentably distinct, and searching for two, separate species (having different elements) is considered to be a burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-4 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 24, 2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art shown in Figure 7 and defined on pages 1 and 2 of the Specification (Figure 7) in view of Ogden, US #4,478,666.

5. Figure 7 shows an equipment utilizing water comprising operation section 60, member 55, transparent film 59 on member 55, and outer case 51. Figure 7 fails to disclose making member 55 from transparent material. Ogden shows a control panel (Figure 1) that includes transparent member 16 which includes transparent cover 18 on a front surface and decoration 50 on opposite surface 65 of transparent member 16. In view of the teachings of Ogden it would have been obvious to a person having ordinary skill in the art to modify the admitted prior art of Figure 7 by making member 55 transparent since this would allow a decoration to be placed on the lower surface of the transparent member which would allow the decoration/indicia to be protected from damage in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water.

6. Figure 7 does not specifically describe the outer case as being colored, however this is well known in the art. The examiner takes official notice of numerous pieces of equipment utilizing water (crock pots, coffee makers, rice steamers, humidifiers, etc.) having an outer case that is colored. Many such appliances are available in a choice of colors specifically so that the buyer may choose the color they prefer. Additionally, the outer case of such a piece of equipment forms a cover.

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7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art shown in Figure 7 and defined on pages 1 and 2 of the Specification (Figure 7) and Ogden as applied to claim 5 above, and further in view of Miwa, US #4,625,097.

8. Figure 7 teaches Applicant's basic inventive concept except for placing a claw and/or boss into which a screw is screw-fitted on member 51 in order to attach the outer member to the equipment utilizing water. Miwa teaches placing boss 39 (Figure 2) which receives screw 43 on a colored member for attaching an outer member to the equipment utilizing water. In view of the teachings of Miwa, it would have been obvious to one of ordinary skill to modify Figure 7 by providing a boss that receives a screw on the colored member since this would allow the outer member to be attached to the equipment utilizing water in a faster, easier, and more secure manner.

9. Regarding claim 7, Figure 7 and Ogden teach Applicant's basic inventive concept except for attaching a decoration to a portion of the transparent film. Miwa shows (Figures 1-4) equipment utilizing water including upper transparent member 51 including decoration/indicia 52, 53 thereon. In view of the teachings of Miwa it would have been obvious to one of ordinary skill in the art to modify Applicant's Figure 7 by attaching a decoration/indicia to the transparent film since this would allow additional information to be displayed on the display panel as well as to allow the decoration/indicia to be displayed in a more eye-catching and aesthetically pleasing manner.

Response to Arguments

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10. Applicant's arguments filed 02 November, 2005 have been fully considered but they are not persuasive.

11. Applicant argues that Ogden is non-analogous art, however Ogden is directed toward a control panel. Applicant's Figure 7 shows equipment utilizing water including a control panel. Ogden is cited to show that it is known to make an outer member out of a transparent material and to place indicia on the back side of the outer member. Placing the indicia on the back side of the outer member would allow the decoration/indicia to be protected from damage in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water.

12. As discussed in the above rejection, outer case 51 as shown in Applicant's Figure 7 is considered to be a colored member. Thus, the transparent member would be between transparent film 59 and colored member 51, as modified by Ogden.

13. Applicant argues that the only motivation for combining the references is Applicant's own teaching, however, as discussed in the above rejection, several reasons for combining the references are provided.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joanne Silbermann
Primary Examiner
Art Unit 3611

js
11 May 2006